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LIBERTY LIFE ASSURANCE COMPANY OF
BOSTON

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANITA B. CARR,

Plaintiff,

v.

LIBERTY LIFE ASSURANCE
COMPANY OF BOSTON, a
Massachusetts Corporation, and
PROVIDIAN BANCORP SERVICES, a
domestic corporation, PROVIDIAN
FINANCIAL HEALTH PLAN, an
employee benefits plan,

Defendants.

CASE NO. C 05-3190 TEH

**REPLY TO NON-OPPOSITION TO
DEFENDANT LIBERTY LIFE
ASSURANCE COMPANY OF BOSTON'S
MOTION TO CONFIRM ARBITRATION
AWARD**

Date: October 20, 2008
Time: 10:00 a.m.
Judge: Hon. Thelton E. Henderson

PLEASE TAKE NOTICE that to date, plaintiff Anita Carr has not filed, and defendant Liberty Life Assurance Company of Boston ("Liberty") has not received, any opposition to Liberty's Motion to Confirm Arbitration Award, which was filed on September 3, 2008. Plaintiff's opposition to Liberty's motion was to have been filed and served by September 29, 2008. No Court has issued an order staying this action, or otherwise excusing plaintiff from filing and serving her opposition on or before September 29, 2008.

On October 3, 2008, four days after her opposition was due, Liberty received by mail a letter written by plaintiff advising she was now proceeding *pro se* in this matter. At this time, plaintiff requested a continuance of the hearing in order to file an opposition. However, due to

1 the untimeliness of this request and because Liberty's motion was filed in a manner that allowed
2 26 days to prepare and file the opposition, Liberty declined plaintiff's request.

3 Accordingly, based upon plaintiff's failure to oppose Liberty's Motion to Confirm
4 Arbitration Award, Liberty respectfully requests that its motion be granted and final judgment in
5 this action be entered as requested in said motion in favor of defendants and against plaintiff.

6 Dated: October 6, 2008

7 ROPERS, MAJESKI, KOHN & BENTLEY

8 By:

9 PAMELA E. COGAN
10 JENNIFER A. WILLIAMS
11 Attorneys for Defendant
12 LIBERTY LIFE ASSURANCE
13 COMPANY OF BOSTON

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